

September 11, 2009

Mr. Tom West  
Executive Director  
Kentucky Workforce Investment Board  
Capital Plaza Tower, 3rd Floor  
500 Mero Street  
Frankfort, KY 40601

Dear Mr. West:

On behalf of the ten Workforce Investment Board Directors from across the Commonwealth of Kentucky, I am writing to ask that the Kentucky Workforce Investment Board (KWIB) take an official position in opposition to the U.S. Department of Labor's proposed rule at 20 CFR 618 that would mandate merit staffing of state administration and allocation of Trade Adjustment Assistance (TAA) training funds at its next meeting, scheduled for September 17, 2009.

In 2005, the Bush Administration provided Governors with new flexibility in their administration of the Trade Adjustment Assistance Act training funds. Governor Ernie Fletcher acted upon this newfound flexibility to move the administration of the TAA training funds from state merit staff employees to the Workforce Investment Boards. This move made infinitely good sense, because it put in one place the administration of all training-related dollars, whether they came from the Workforce Investment Act or TAA. It has worked well for customers, who receive similar kinds of information, advice and career counseling regardless of the funding stream pays for their job training activities. Governor Steve Beshear has maintained this policy since taking office in January, 2008.

Unfortunately, the new Administration has now offered a Proposed Rule that would eliminate the flexibility that was provided to Governors in 2005 and require that TAA training funds be administered only by "State employees covered by the merit system of personnel administration applicable to personnel engaged in employment security administration." Given that Kentucky Governors from both political parties have chosen to take advantage of the flexibility provided to them in 2005 to administer TAA training funds through the Workforce Investment Boards, it makes obvious sense that we should advocate to maintain this flexibility, rather than reverting to a system where the federal government tells us who can best serve Kentucky's workforce customers.

Therefore, we urge the KWIB to take a position in opposition to this proposed rule at its upcoming September 17<sup>th</sup> meeting, and to communicate this opposition to the Department of Labor during the public comment period for this proposed rule, which is open until October 5, 2009. We also urge the KWIB to request that if the Department of Labor decides not to withdraw this proposed rule, it should at least exempt Kentucky from being required to immediately implement the rule, in order to allow the State to develop a plan to ensure that the transition will be accomplished with as little disruption of services to TAA clients and as much fiscal efficiency as possible.

We appreciate your timely consideration of this matter. Please let us know if you require any further information.

Sincerely,



Darryl McGaha  
Workforce Development Director  
Cumberlands Workforce Investment Area